

# EXHIBIT 13

V I R G I N I A:

IN THE CIRCUIT COURT FOR THE CITY OF ROANOKE

- - - - -  
: SHARON G. WINGATE, Executor :  
: of the Estate of DOUGLAS :  
: GRAY WINGATE, Deceased, :  
: :  
: Plaintiff :  
: :  
v. : CASE NO. CL12-2547  
: :  
INSIGHT HEALTH CORP., et al., :  
: :  
: Defendants :  
: :  
- - - - -

FEBRUARY 27, 2013  
2:00 P.M.

HEARD BEFORE:

THE HONORABLE CHARLES N. DORSEY

CENTRAL VIRGINIA REPORTERS  
P. O. BOX 12628  
ROANOKE, VA 24027  
(540) 380-5017

APPEARANCES:

GENTRY LOCKE RAKES & MOORE  
Roanoke, Virginia  
By: J. SCOTT SEXTON, ESQ.  
ANTHONY M. RUSSELL, ESQ.

Counsel on behalf of the Plaintiff

BONNER KIERNAN TREBACH & CROCIATA  
Washington, D.C.  
By: CLINTON R. SHAW, JR., ESQ.

Counsel on behalf of Defendant  
Insight

LeCLAIRRYAN  
Roanoke, Virginia  
By: JOHN T. JESSEE, ESQ.  
NANCY FULLER REYNOLDS, ESQ.  
MICHAEL P. GARDNER, ESQ.

Counsel on behalf of Defendants  
Mathis, O'Brien and Image Guided Pain  
Management

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1           The following cause came on to be heard  
2     on February 27, 2013, before the Honorable Charles N.  
3     Dorsey, Judge of the Circuit Court for the City of  
4     Roanoke, sitting at Roanoke, Virginia, when the  
5     following proceedings were had:

6  
7           (The court reporter, Shirley S.  
8     Bassett, RPR, was duly sworn.)

9  
10    (2:41 p.m.)

11  
12           THE COURT: We have Wingate versus  
13     Insight Health and others, Circuit Court Civil  
14     File CL12-2547. The oath of the court  
15     reporter's been entered.

16           I had not met Mr. Shaw and took the  
17     liberty of speaking with him earlier when he  
18     was here early without discussing anything  
19     that has to do with the case, just merely met  
20     him. I know everybody else.

21           And I'm just going to start without  
22     regard, I guess -- Mr. Sexton, you're on the  
23     plaintiff's side --

24           And I know we confuse everybody, and I

1           get confused if I sit in Roanoke County and  
2           otherwise. The old traditional stuff is  
3           backwards so I tend to look the wrong way  
4           anyway.

5                     But in any event, since you're the  
6           plaintiff, are you ready?

7                     MR. SEXTON: Yes, Your Honor.

8                     THE COURT: And Mr. Russell, are you  
9           ready?

10                    MR. RUSSELL: Yes, Your Honor.

11                    THE COURT: I don't want to overlook  
12           you.

13                    Mr. Shaw, are you ready?

14                    MR. SHAW: Yes, I am.

15                    THE COURT: Ms. Reynolds?

16                    MS. REYNOLDS: Yes, sir.

17                    THE COURT: Mr. Jessee?

18                    MR. JESSEE: Yes, sir, Judge.

19                    THE COURT: Mr. Gardner?

20                    MR. GARDNER: Yes, Your Honor.

21                    THE COURT: All right. Very good.

22                    I'll let you-all proceed. I have a brief  
23           outline of what I think is involved but it may  
24           be easier for you-all to tell me what you

1 think's involved and how you want to handle it  
2 and where we're going from here.

3 MS. REYNOLDS: Your Honor, Nancy  
4 Reynolds, John Jessee and Mike Gardner here  
5 for Image Guided Pain Management and the two  
6 doctors.

7 We filed demurrers and pleas in bar.  
8 They have not been noticed for today because  
9 we just filed our brief and plaintiff needs  
10 the two-week period to respond. So ours are  
11 not -- we're not going to argue ours today.  
12 But we would respectfully request the Court to  
13 allow us to argue them at a hearing in the  
14 future.

15 And to the extent that anything that is  
16 presented to the Court today is dispositive of  
17 our demurrers, we would request that the Court  
18 not rule on them until we've had the chance  
19 also to weigh in after the plaintiff has had  
20 the chance to file their brief as well.

21 THE COURT: You don't want me to rule  
22 on theirs today before you respond, do you?

23 MR. SEXTON: No, Your Honor.

24 THE COURT: Well, I'm not going to rule

1 on anything that people haven't noticed and  
2 don't want me to rule on.

3 MR. SEXTON: It's not been noticed and  
4 we're not asking for a ruling, and they're  
5 pretty much completely different issues that  
6 have been raised by Ms. Reynolds as opposed to  
7 Mr. Shaw.

8 THE COURT: All right; that's fine. So  
9 we've just got Mr. Shaw's issue.

10 MR. SEXTON: Correct.

11 MR. SHAW: Yes, sir.

12 THE COURT: Mr. Shaw, go right ahead.

13 MR. SHAW: Thank you, Your Honor. As a  
14 preliminary matter, I want to let everyone  
15 know, Ms. Wingate especially, this is a very  
16 tragic and horrible case and what you've  
17 suffered is horrific. Ms. Wingate's pain must  
18 be unimaginable, and no words could do that  
19 justice, and I'm sorry.

20 But we are here today because we do  
21 represent one of the defendants in the case,  
22 Insight Health Corp.

23 I heard a report on the news as I was  
24 coming here this morning saying that Insight

1                   That concludes this matter. We'll  
2                   stand in recess.

3  
4                   (The proceedings were concluded at 3:34  
5                   p.m.)

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10                                   \* \* \* \* \*

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14  
15                                   C E R T I F I C A T E

16                   COMMONWEALTH OF VIRGINIA  
17                   COUNTY OF ROANOKE

18                               I, Shirley S. Bassett, RPR, Notary  
19                   Public in and for the Commonwealth of Virginia, at  
20                   Large, do hereby certify that the proceedings were by  
21                   me reduced to machine shorthand, afterwards  
22                   transcribed by me by means of computer, and that to  
23                   the best of my ability the foregoing is a true and  
24                   correct transcript of the proceedings as aforesaid.



1 I further certify that these proceedings  
2 were taken at the time and place specified in the  
3 foregoing caption.

4 I further certify that I am not a  
5 relative, counsel or attorney for either party, or  
6 otherwise interested in the outcome of this action.

7 IN WITNESS WHEREOF, I have hereunto set  
8 my hand at Vinton, Virginia, on the 2nd day of  
9 October, 2013.

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\_\_\_\_\_  
SHIRLEY S. BASSETT, RPR  
NOTARY PUBLIC

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My Commission expires April 30, 2016.  
Notary Registration Number 227362.

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